



1540 Eisenhower Place
Ann Arbor, MI 48108

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www.TRCsolutions.com

March 2, 2015

Mr. Joseph Kelly
Project Manager
USEPA, Region 5
77 West Jackson Boulevard
LU-9J
Chicago, IL 60604-3590

Subject: Response to EPA's Request for Further Information Concerning the 2015 Annually Adjusted Cost Estimate for RCRA 3008(h) Administrative Order on Consent (RCRA-05-2010-0012), Tecumseh Products Company – MID 005-049-440

Dear Mr. Kelly:

Pursuant to Section VIII of the above referenced Administrative Order on Consent (AOC) effective March 29, 2010, TRC, on behalf of Tecumseh Products Company, Inc. (TPC), submitted the 2015 Annually Adjusted Cost Estimate on January 31, 2015. On February 19, 2015 the United States Environmental Protection Agency (EPA) requested additional information concerning project costs. This letter was prepared to address those comments.

Please indicate the number of SSDS systems TPC intends to install for the anticipated to cost of \$16,000. EPA believes TPC may need to account for the installation of a minimum of 12 additional SSDS systems for estimating purposes.

The cost to evaluate or mitigate each additional residential property is estimated to be between \$1,500 and \$2,000. Current soil gas and groundwater data do not suggest that the final Corrective Measures Proposal would include 12 additional sub-slab depressurization/ventilation (SSDV) systems. As noted and as discussed previously with EPA, the precise number of additional residences that may be targeted for indoor air sampling and/or installation of a SSDV system will be re-evaluated following completion of off-site vertical groundwater profile sampling. The current estimate of \$16,000 is reasonable based on available data and includes some buffer for additional evaluation and/or mitigation based on the results of the off-site vertical groundwater profile sampling. This additional detail has been included in the attached revised Annually Adjusted Cost Estimate.

Please provide information regarding the additional areas that will be targeted for SVE well installations. EPA needs to determine the areas where future soil and groundwater remediation is proposed.

As requested by EPA, additional source area investigation is underway. The cost estimate anticipates that some soil treatment will be proposed as a means of source control. The number of extraction wells was estimated using the area over which elevated concentrations of chlorinated volatile organic compounds (CVOCs) in soil are suggested by passive soil gas survey data and/or electron capture detector (ECD) response during the membrane interface probe (MIP) investigation. Based on the currently approved schedule, the final Corrective Measures Proposal will be submitted to USEPA on January 31, 2016. Therefore, as noted in the cost estimate, the system design, including the final location of treatment areas, has not yet been determined.

Please provide a detailed cost estimate and identify specific activities that will be implemented to stabilize the migration of contaminated groundwater. The costs provided in the estimate appear unchanged from the 2014 estimate that assumed the installation of ART wells to address groundwater contamination; however, the 2014 estimate assumed existing SVE wells would be converted to ART wells for groundwater recovery, and there are no SVE wells currently located within the (southern) groundwater plume.

As requested by EPA, additional on-site and off-site investigation is underway, to further evaluate migration pathways in order to confirm that current human exposures are under control and that migration of contaminated groundwater is stabilized. The cost estimate anticipates that some groundwater treatment will be proposed as a means of source control in the final Corrective Measures Proposal. As is appropriate, various groundwater treatment and mitigation strategies and their associated costs will be evaluated during preparation of the Final Corrective Measures Proposal.

TRC agrees that there are no soil vapor extraction (SVE) wells located within the area of highest concentrations in the southern groundwater plume. This was also true when the 2014 Annually Adjusted Cost Estimate was prepared. In 2014, ART wells were used as an example of a potential groundwater mitigation strategy that could be implemented. The 2014 estimate did not assume that only existing SVE wells would be converted to ART wells. Rather it assumed that any proposed soil and groundwater treatment systems would be designed and installed to work synergistically. This philosophy of using complementary soil and groundwater treatment technologies remains unchanged. As noted in the 2015 cost estimate, the groundwater mitigation system selection and design, including the final location of treatment areas, has not been determined. However, a more specific description of potential activities in this regard is provided in the attached revised Annually Adjusted Cost Estimate, per your request.



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Separate from the costs identified in your letter, EPA notes that costs may be incurred for the disposal of contaminated building slab and soil during any site redevelopment. Bid specifications for demolition activities by the current owner were limited to above ground activities because the building slabs and underlying soil were not characterized for purposes of removal and/or disposal or reuse at the time of demolition. If impacted building slabs/soil cannot be recycled or reused as clean during redevelopment, it will have to be properly removed, handled, and disposed off-site to allow the reuse of the site. EPA estimates a minimum of three areas of impacted building slabs will require removal, encompassing at least 150,000 sq. ft., based on passive soil gas data and visual observations.

The Initial Cost Estimate of the "Work to be Performed" under Section VI of the AOC did not include any work in regard to removal of the building slab, nor have any of the Annually Adjusted Cost Estimates. This has not changed in 2015. TPC does not foresee that the Work to be Performed by TPC will include removing the building slab or any associated sub slab soils. Rather, it is still anticipated that the final Corrective Measures Proposal will rely in part on engineering controls requiring the owner to either keep the concrete slab in place or, if owner desires to remove the slab, to replace the slab with a comparable impervious surface. The existing demolition permit (copy attached) provides for the building slab to remain in place, and is therefore consistent with this intended engineering control. We have provided the current owner, and the listing broker Patrick Hoffman of Howard Hanna Realtors, with a First Amendment to Declaration of Restrictive Covenants (copy attached) that ensures compliance with this anticipated engineering control, with instructions that it be signed and recorded. The previously executed License Agreement Regarding Environmental Work requires the owner to execute this Amendment so that it can be recorded with the register of deeds, and further provides that if the owner at any time intends to perform construction or modifications to the Property which may impact the investigation, remediation or response to the contamination, the owner must timely communicate and reasonably cooperate with TPC to determine how to eliminate or mitigate any such potential impacts.

If you have any additional questions about the responses provided above or the project activities documented in the attached revised 2015 Annually Adjusted Cost Estimate or require additional information, please contact me.

Sincerely,

TRC Environmental Corporation



Graham Crockford
Project Manager



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Attachments: Attachment A – Revised 2015 Annually Adjusted Cost Estimate
Attachment B – Demolition Permit
Attachment C – First Amendment to the Declaration of Restrictive Covenants

cc: Chris DeWetter, Tecumseh Products Company
Jason Smith, Tecumseh Products Company
Douglas McClure, Conlin, McKenney & Philbrick, PC

Attachment A
2015 Revised Annually Adjusted Cost Estimate



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Subject: Revised 2015 Annually Adjusted Cost Estimate for RCRA 3008(h) Administrative Order on Consent (RCRA-05-2010-0012), Tecumseh Products Company – MID 005-049-440

Dear Mr. Kelly:

Pursuant to Section VIII of the above referenced Administrative Order on Consent (AOC) effective March 29, 2010, TRC, on behalf of Tecumseh Products Company, Inc. (TPC), submitted the 2015 annually adjusted engineering estimate to implement the work outlined in the AOC at the former TPC facility located in Tecumseh, Michigan on January 31, 2015. This annually adjusted cost estimate was submitted within 30 days of the close of the TPC fiscal year (December 31, 2014) pursuant to Section VIII(30)(d) of the AOC. On February 19, 2015, the United States Environmental Protection Agency (EPA) sent TRC a "Request for Further Information Concerning Tecumseh Products Company (TPC) Annually Adjusted Cost Estimate." This Revised 2015 Annually Adjusted Cost Estimate was prepared to provide the additional information and clarification requested in that letter.

The Revised 2015 Annually Adjusted Cost Estimate includes costs to complete supplemental Remedial Investigation (RI) and Environmental Indicator (EI) Reporting; costs to implement interim and final corrective measures; costs to complete decommissioning and closure activities; and costs to fulfill regular monitoring, reporting, and meeting requirements. These costs are listed in Table 1. Based on comments provided by Susan Perdomo on May 22, 2014 the 2015 Annually Adjusted Cost Estimate is in current dollars and does not include a present value adjustment. The projected project costs are briefly summarized below:

■ **Remedial Investigation (RI) and Environmental Indicators (EI) Reports**

- **Investigation** – TRC has estimated the proposed supplemental investigation activities will cost \$185,000. This cost estimate includes the cost to complete high resolution site characterization (HRSC) including confirmation sampling at membrane interface probe (MIP) investigation locations and vertical groundwater profile sampling as described in the December 2014 MIP Investigation Report and Workplan for High Resolution Site

Characterization. In addition, the cost estimate includes estimated costs to install additional monitoring wells at select MIP confirmation sample locations and/or vertical profile sample locations.

- **Report Addendum Preparation** – TRC has estimated that the Supplement to the Remedial Investigation Report and the Environmental Indicators Groundwater Stabilized Report will cost approximately \$12,000 to prepare.

■ **Interim and Final Corrective Measures**

- **Corrective Measures Proposal** – TRC has estimated the Corrective Measures Proposal will cost \$20,000 to prepare.
- **Corrective Measures Implementation** – TRC has estimated that the remaining Corrective Measures will cost \$1,010,000 to implement. Although the exact nature of the Final Corrective Measures are not known at this time, TRC has made reasonable engineering estimates based on known site conditions.
 - The estimate for vapor intrusion mitigation includes the following:
 - \$16,000 to further evaluate the volatilization to indoor air pathway and/or conduct mitigation, as appropriate, with regard to residential properties north and west of the site in 2015. The cost to evaluate or mitigate the vapor intrusion pathway at each additional residential property is estimated to be between \$1,500 and \$2,000. As noted and as discussed previously with EPA, the precise number of additional residences that may be targeted for indoor air sampling and/or installation of a SSDV system will be re-evaluated following completion of off-site vertical groundwater profile sampling. The current estimate is reasonable based on available data and includes some buffer for additional evaluation and/or mitigation based on the results of the off-site vertical groundwater profile sampling.
 - \$4,000 to install a sub-slab soil gas point at the non-residential property located immediately southeast of the southern source area in 2015.
 - \$15,000 to \$30,000 per year through 2020 for ongoing operation and maintenance of the perimeter soil vapor extraction (SVE) system. The projected costs decrease over time as the projected carbon usage rate declines after groundwater treatment is implemented.
 - The estimate for soil treatment anticipates that *in situ* soil treatment would be utilized as a means of source control. On site geology is ideal for the soil vapor extraction, yielding treatment areas of more than 25,000 square feet (10,000 cubic yards) with a single extraction well. Therefore, TRC anticipates that corrective measures could include continued operation and maintenance of the existing SVE systems and expansion of



those systems to include additional extraction wells in soil source areas located and confirmed through HRSC. TRC anticipates that the slab will be left in place to facilitate the removal of chlorinated volatile organic compounds (CVOCs) via SVE and to minimize rainwater infiltration through contaminated subsurface soils. TRC estimates that up to 12 additional extraction wells may be installed to treat on-site soil sources. The number of extraction wells was estimated using the area over which elevated concentrations of CVOCs in soil are suggested by passive soil gas survey data and/or electron capture detector (ECD) response during the MIP investigation. This cost estimate includes \$30,000 for SVE system design. TRC anticipates that the design process would include an evaluation of data from the proposed MIP confirmation sampling program to refine and support the final selection of any extraction well locations. In addition to soil chemistry data, SVE system design would consider the distribution of constituents of concern in groundwater and wherever possible would be designed to work synergistically with a groundwater mitigation system.

Based on the costs to install the existing P-Building and Perimeter SVE systems, TRC has estimated an installation cost of \$18,000 per additional extraction well including the associated conveyance piping. The estimate for soil treatment includes the following:

- \$30,000 in 2015 for ongoing operation and maintenance of the P-Building SVE system;
 - \$246,000 to expand the existing SVE systems including \$30,000 to design and document SVE system expansion(s) (costs split between 2015 and 2016) and \$216,000 to install additional extraction wells including the associated conveyance piping; and
 - \$25,000 to \$70,000 per year through 2020 for operation and maintenance of the SVE systems. These costs are due in large part to the cost of carbon. The projected costs decrease over time as the carbon usage rate declines.
- TRC anticipates implementing *in situ* groundwater treatment downgradient of the southern source area. The precise nature and extent of groundwater treatment is uncertain at this time. Currently groundwater treatment technologies such as ART wells¹ or an air sparge curtain(s)² which can be used in conjunction with the anticipated

¹ Approximately seven ART wells having an estimated treatment area of 175,000 square feet could be installed for the estimated cost of \$250,000 including \$30,000 for a pilot study, \$22,000 each to convert SVE wells used for soil treatment to ART wells (\$154,000), \$50,000 to upgrade/expand the blower enclosure and \$16,000 for system design and documentation.

² Approximately 100 air sparge wells could be installed for the estimated cost of \$250,000. The estimated radius of influence for an air sparge well is 12 feet. Assuming the air sparge curtain will be composed of a double row of sparge wells, the total length of the treatment zone (perpendicular to groundwater flow) would be 1200 feet. The estimated cost includes \$20,000 for a pilot study, \$150,000 for the installation of sparge wells and the associated plumbing, \$60,000 to upgrade/expand the existing blower enclosure(s), and \$20,000 for design and documentation.



SVE system(s) appear to be potentially effective options. However, as requested by EPA, additional on-site and off-site investigation is underway, to further evaluate migration pathways in order to confirm that current human exposures are under control and that migration of contaminated groundwater is stabilized. Additional data collected during this investigation, in conjunction with site remedial goals will be used in the design and implementation of a groundwater mitigation system. Data collected during these investigation activities will be useful in selecting and refining the area for a groundwater treatment system. The estimate for groundwater mitigation includes \$250,000 to supplement the existing permeable reactive barrier, as well as up to \$20,000 per year for 5 years to monitor and maintain the groundwater treatment system.

Corrective measures will be implemented expeditiously to speed the reduction of contaminant concentrations in off-site groundwater, reducing or eliminating the need for long-term engineering controls.

- **Construction Completion Report** – TRC has estimated the Construction Completion Report will cost \$10,000 to prepare.

■ **Decommissioning and Closure Activities**

- **Close and Abandon Monitoring Wells/Points** – TRC has estimated that well closure and abandonment will cost approximately \$40,000.
- **Decommission Remediation System(s)** – TRC has estimated that any remediation systems will cost approximately \$10,000 to decommission.
- **Closure Report** – TRC has estimated the Closure Report will cost \$20,000 to prepare.

■ **Compliance Monitoring, Reporting, and Meetings**

- **Groundwater Monitoring** – Quarterly groundwater monitoring was initiated in 2009. At least eight sample events have been completed at existing compliance monitoring wells. Baseline concentrations have been established at all monitoring locations and sufficient data have been collected to assess the potential for seasonality. Given the groundwater flow rate for the site, trends in groundwater chemistry do not require quarterly monitoring. Additionally, although additional site characterization to be completed in 2015 may likely result in additional well installations, those data will further define off-site migration allowing the value of each well to be critically evaluated. TRC anticipates reductions in the number and/or frequency of groundwater monitoring locations will begin in 2015 following additional remedial investigation activities as described above. TRC has estimated that groundwater monitoring and reporting through 2020 will cost a total of \$280,000.
- **Soil Gas Monitoring** – TRC has estimated that ongoing soil gas monitoring and reporting requirements will gradually decrease over the next four years, as investigation and



Mr. Joseph Kelly
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mitigation efforts eliminate the potential volatilization to indoor air migration pathway. The total cost of soil gas monitoring through 2018 is estimated to be \$126,000.

- **Progress Reports** – TRC has estimated an annual reporting cost of \$12,000 through 2020 for a total estimated cost of \$72,000.
- **Project Meetings, Management, and Coordination** – TRC has estimated an annual project meeting, management and coordination cost of \$20,000 through 2016 during the active investigation and construction portion of the project, and an annual cost of \$10,000 from 2017 through 2020 during the monitor and maintain portion of the project. The total cost is estimated to be \$80,000.

TRC has estimated the total cost, in current dollars, to complete these project activities to be approximately \$1,866,000. A 10-percent contingency of \$186,600 was added to this estimate to cover unanticipated project costs. The final engineering cost estimate, with a 10-percent contingency, is \$2,052,600.

It is TRC's opinion that based on the information and data collected to date, \$2,052,600 is sufficient to cover the cost to implement the work being performed pursuant to compliance with the AOC. This cost estimate includes a 10-percent reserve for possible contingent actions should they become necessary. In 2014 TPC obtained a Letter of Credit for \$2,073,800. This Letter of Credit is more than the current cost estimate, so it is not necessary to seek additional financial assurance at this time.

If you have any questions about the project activities documented in the 2015 Annually Adjusted Cost Estimate or require additional information, please contact me.

Sincerely,

TRC Environmental Corporation



Graham Crockford
Project Manager

Attachments: Table 1: Cost Estimate for RCRA 308(h) Administrative Order on Consent Activities

cc: Chris DeWetter, Tecumseh Products Company
Jason Smith, Tecumseh Products Company
Douglas McClure, Conlin, McKenney and Philbrick, PC



Table 1
Cost Estimate for RCRA 3008(h) Administrative Order on
Consent Activities

Table 1
Cost Estimate for RCRA 308(h) Administrative Order on Consent Activities
Former Tecumseh Products Company Facility
Tecumseh, Michigan
January 2015

Project Activity								Total Project Costs
	2015	2016	2017	2018	2019	2020	2021	
Remedial Investigation and Environmental Indicators								
Investigation -								
Source Area Confirmation Sampling	\$ 75,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 75,000
Off-Site Groundwater Profile Sampling	\$ 90,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 90,000
Additional Monitoring Well Installation	\$ 20,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 20,000
Report Addendum Preparation -								
Environmental Indicators (Groundwater Stabilized)	\$ 6,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 6,000
Remedial Investigation	\$ 6,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 6,000
Subtotal	\$ 197,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 197,000
Interim and Final Corrective Measures								
Corrective Measures Proposal	\$ 10,000	\$ 10,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 20,000
Corrective Measures Implementation -								
Vapor Intrusion Mitigation	\$ 50,000	\$ 30,000	\$ 30,000	\$ 25,000	\$ 20,000	\$ 15,000	\$ -	\$ 170,000
Soil Treatment at Source Area(s)	\$ 45,000	\$ 301,000	\$ 50,000	\$ 40,000	\$ 30,000	\$ 25,000	\$ -	\$ 491,000
Groundwater Treatment	\$ 20,000	\$ 250,000	\$ 20,000	\$ 20,000	\$ 20,000	\$ 20,000	\$ -	\$ 350,000
Construction Completion Report	\$ -	\$ -	\$ 10,000	\$ -	\$ -	\$ -	\$ -	\$ 10,000
Subtotal	\$ 125,000	\$ 591,000	\$ 110,000	\$ 85,000	\$ 70,000	\$ 60,000	\$ -	\$ 1,041,000
Decommissioning and Closure Activities								
Close and Abandon Monitoring Wells/Points	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 40,000	\$ 40,000
Decommission Remediation System(s)	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 10,000	\$ 10,000
Closure Report	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 20,000	\$ 20,000
Subtotal	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 70,000	\$ 70,000
Compliance Monitoring, Reporting and Meetings								
Groundwater Monitoring	\$ 60,000	\$ 50,000	\$ 50,000	\$ 40,000	\$ 40,000	\$ 40,000	\$ -	\$ 280,000
Soil Gas Monitoring	\$ 54,000	\$ 36,000	\$ 18,000	\$ 18,000	\$ -	\$ -	\$ -	\$ 126,000
Progress Reports	\$ 12,000	\$ 12,000	\$ 12,000	\$ 12,000	\$ 12,000	\$ 12,000	\$ -	\$ 72,000
Project Meetings, Management, and Coordination	\$ 20,000	\$ 20,000	\$ 10,000	\$ 10,000	\$ 10,000	\$ 10,000	\$ -	\$ 80,000
Subtotal	\$ 146,000	\$ 118,000	\$ 90,000	\$ 80,000	\$ 62,000	\$ 62,000	\$ -	\$ 558,000
Corrective Measures Implementation Total	\$ 468,000	\$ 709,000	\$ 200,000	\$ 165,000	\$ 132,000	\$ 122,000	\$ 70,000	\$ 1,866,000
Contingency (10%)	\$ 46,800	\$ 70,900	\$ 20,000	\$ 16,500	\$ 13,200	\$ 12,200	\$ 7,000	\$ 186,600
Corrective Measures Implementation Total with Contingency	\$ 514,800	\$ 779,900	\$ 220,000	\$ 181,500	\$ 145,200	\$ 134,200	\$ 77,000	\$ 2,052,600

Notes:
No Present Value Adjustment made.
All values are rounded to the nearest \$100.

Attachment B

Demolition Permit

**BUILDING
PERMIT**

PB2013-034

Hours: Monday-Thursday 7am-6pm
CLOSED FRIDAY Fax: (517) 423-5535For Inspections Call:
(517) 424-6547

Occupant & Location 100 E PATTERSON ST	TECUMSEH FOOD MACHINERY 474 S NELSON AVE WILMINGTON OH 45177	Owner
SITE PREP CORP 80 S LAKE DOSTER RD Plainwell MI 49080	Contractor	Issued: 05/09/13 Expire Date: 01/18/14 Use Group: Const. Type: PLEASE GIVE 24 HOUR MINIMUM ADVANCE NOTICE FOR INSPECTION

Work Description: Demolition/ site clean up for phase 1 only

Stipulation: Compliance with Wade Trim Review letter dated 4-16-2013.
 Compliance with State & Federal Law in regards to demolition, inc. MIOSHA.
 The City will waive the requirements to remove the slab and foundation in lieu of adequate site grading as determined by the City of Tecumseh.
 The vacant lot shall be filled and maintained to existing grade.(2009 Mi. Bldg. Code Sec. 3303.4)
 For salvage operations: Fire watch is required and adequate interior lighting is required for workers to move around and to find exits.

Permit Item	Work Type	No. of Items	Item Total
Demolition	Demolition fee over \$1000	275,000.00	1,926.00
<div style="font-size: 4em; opacity: 0.5; transform: rotate(-10deg); position: absolute; top: 50%; left: 50%;">COPY</div>			Fee Due: 1,926.00
			Amount Paid: 1,926.00
			Balance Due: \$0.00

I agree this permit is only for the the work described and does not grant permission for additional or related work which requires separate permits. I understand that this permit will expire and become void if work is not started within six month, or is suspended or abandoned for a period of six months at anytime after work has commenced; and that I am responsible for assuring all required inspections are requested in conformance with the applicable code. I also understand that other inspection fees will be charged if reinspections are needed and/or as stated on the permit below. I hereby certify that the proposed work is authorized by the owner, and that I am authorized by the owner, and make this application as his authorized agent. I will conform to all applicable laws of the State of Michigan and City of Tecumseh. All information on the permit application is accurate to the best of my knowlege.

I understand if the building is occupied or moved into prior to the issuance of the Certificate of Occupancy, the building deposit will be forfeited to the City. I understand that payment of the permit fee constitutes acceptance of the above terms.

I am also aware that building materials will not be picked up by the City's trash hauler and that I will not receive the home building deposit back until a tree has been planted in accordance with the City Zoning Ordinance.

*CHECK WITH YOUR LOCAL UTILITY COMPANY FOR ANY EASEMENTS PRIOR TO STARTING ANY WORK.

*CALL MISS DIG 3 DAYS BEFORE STARTING ANY WORK AT 1-800-482-7171

- | | |
|---|---|
| <input type="checkbox"/> Footer _____ | <input type="checkbox"/> Insulation _____ |
| <input type="checkbox"/> Backfill _____ | <input type="checkbox"/> Post Holes _____ |
| <input type="checkbox"/> Rough _____ | <input type="checkbox"/> Final - After other trades are inspected _____ |

**City of Tecumseh enforces the
MI BLDG CODE 2009**

City of Tecumseh

Building Services Department
101 E. Russell Rd.
Tecumseh, MI 49286

**BUILDING
PERMIT**
PB2013-125

Hours: Monday-Thursday 7am-6pm
CLOSED FRIDAY Fax: (517) 423-5535

For Inspections Call:
(517) 424-6547

Occupant & Location
100 E PATTERSON ST

TECUMSEH FOOD MACHINERY	Owner
474 S NELSON AVE	
WILMINGTON OH 45177	

SITE PREP CORP	Contractor
80 S LAKE DOSTER RD	
Plainwell MI 49080	

Issued: 10/24/13

Expire Date: 04/22/14

Use Group:

Const. Type:

**PLEASE GIVE 24 HOUR MINIMUM
ADVANCE NOTICE FOR
INSPECTION**

Work Description: DEMOLITION of Phase II

Stipulation: Compliance with Wade Trim Review letter dated 4-16-2013 and 6-28-2013.
Compliance with State & Federal Law in regards to demolition, inc. MIOSHA.
The City will waive the requirements to remove the slab and foundation in lieu of adequate site grading as determined by the City of Tecumseh. Site grading plan shall be submitted with phase III demo permit application.
The vacant lot shall be filled and maintained to existing grade. (2009 Mi. Bldg. Code Sec. 3303.4)
For salvage operations: Fire watch is required and adequate interior lighting is required for workers to move around and to find exits.

Permit Item	Work Type	No. of Items	Item Total
Demolition	Demolition fee over \$1000	41,000.00	275.00
Demolition	Demolition fee over \$1000	846,000.00	5,700.00

Fee Due: 5,975.00

CW # 4119
I agree this permit is only for the the work described and does not grant permission for additional or related work which requires separate permits. I understand that this permit will expire and become void if work is not started within six month, or is suspended or abandoned for a period of six months at anytime after work has commenced; and that I am responsible for assuring all required inspections are requested in conformance with the applicable code. I also understand that other inspection fees will be charged if reinspections are needed and/or as stated on the permit below. I hereby certify that the proposed work is authorized by the owner, and that I am authorized by the owner, and make this application as his authorized agent. I will conform to all applicable laws of the State of Michigan and City of Tecumseh. All information on the permit application is accurate to the best of my knowlege.

I understand if the building is occupied or moved into prior to the issuance of the Certificate of Occupancy, the building deposit will be forfeited to the City. I understand that payment of the permit fee constitutes acceptance of the above terms.

I am also aware that building materials will not be picked up by the City's trash hauler and that I will not receive the home building deposit back until a tree has been planted in accordance with the City Zoning Ordinance.

***CHECK WITH YOUR LOCAL UTILITY COMPANY FOR ANY EASEMENTS PRIOR TO STARTING ANY WORK.**

***CALL MISS DIG 3 DAYS BEFORE STARTING ANY WORK AT 1-800-482-7171**

- | | |
|---|---|
| <input type="checkbox"/> Footer _____ | <input type="checkbox"/> Insulation _____ |
| <input type="checkbox"/> Backfill _____ | <input type="checkbox"/> Post Holes _____ |
| <input type="checkbox"/> Rough _____ | <input type="checkbox"/> Final - After other trades are inspected _____ |

**City of Tecumseh enforces the
MI BLDG CODE 2009**

Attachment C
First Amendment to the Declaration of Restrictive
Covenants

FIRST AMENDMENT TO DECLARATION OF ENVIRONMENTAL RESTRICTIVE COVENANTS

This First Amendment to Declaration of Environmental Restrictive Covenants ("First Amendment") is made with reference to the Declaration of Environmental Restrictive Covenants ("Declaration") recorded with the Lenawee County Register of Deeds on January 14, 2010, at Liber 2396, Page 0535:

WHEREAS, Tecumseh Bakery, LLC, as owner of the property known as 100 East Patterson Street, Tecumseh, Michigan, and further described on Exhibit A hereto ("the Property"), signed a Declaration of Environmental Restrictive Covenants dated December 18, 2009, which was subsequently recorded on January 14, 2010, at Liber 2396, Page 0535, of the records of the Lenawee County Register of Deeds; and

WHEREAS, Tecumseh Bakery, LLC has transferred title to the Property to the current owner of the Property, Tecumseh Food, Machinery & Engineering, LLC, a Michigan limited liability company ("Owner"); and

WHEREAS, the Owner and its contractors are currently undertaking building demolition activities at the Property; and

WHEREAS, The Declaration is being amended by this First Amendment in order to enforce certain additional land use restrictions as set forth below.

NOW, THEREFORE, Owner imposes the following additional restrictions on the Property:

1. Additional Land Use Restrictions: The Owner hereby prohibits and restricts against all current and future uses of and activities on the Property as follows:
 - a. The building concrete slabs at the Property shall not be removed, demolished, or disturbed, and shall remain intact, in order to serve as a barrier to exposure to subsurface contamination, and to serve as a barrier to rainwater infiltration, and to prevent exacerbation of the existing contamination below the slab.
 - b. Any future construction of occupied spaces at the Property shall incorporate into the design an engineered vapor barrier, a sub-slab depressurization system, or other engineering control, as necessary to prevent human exposure to contamination that may otherwise volatilize and infiltrate into indoor air in occupied building spaces. Such engineered control(s) shall be designed to meet the then current standards and recommendations published by the U.S.

Environmental Protection Agency and the Michigan Department of Environmental Quality, or their successor agencies and departments, for eliminating the exposure pathway of subsurface contamination into indoor air.

2. Continuing Effect. All of the terms and conditions contained within the Declaration remain in full force and effect and are not altered or affected by this First Amendment except as expressly set forth herein.
3. Authority to Execute Restrictive Covenant. The undersigned person executing this Restrictive Covenant represents and certifies that he or she is duly authorized and has been empowered to execute and deliver this Restrictive Covenant.

IN WITNESS WHEREOF, Owner has caused this First Amendment to be executed as of the ____ day of December, 2013.

Tecumseh Food, Machinery & Engineering, LLC

By: _____
Signature

Name: _____

Its: _____

STATE OF MICHIGAN

COUNTY OF _____

The foregoing instrument was acknowledged before me this ____ day of December, 2013, by _____, a/the _____ of Tecumseh Food, Machinery & Engineering, LLC, a Michigan limited liability company, on behalf of the company.

Notary Public

Commissioned in _____ County, Michigan

My Commission Expires: _____

100 E. Patterson Street, Tecumseh, MI 49286

Tax ID No. _____

Prepared by and when recorded return to:

Douglas G. McClure

Conlin, McKenney & Philbrick, PC

350 S. Main Street, Suite 400

Ann Arbor, MI 48104

EXHIBIT A

LEGAL DESCRIPTION OF PROPERTY

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LEGAL DESCRIPTION OF PROPERTY

Real property situated in the City of Tecumseh, County of Lenawee, Michigan, described as follows:

Parcel 1

A parcel of land located in the Southwest ¼ of Section 34, Town 5 South, Range 4 East, City of Tecumseh, Lenawee County, Michigan and being a part of Lot 24 of "Assessor's Plat No. 6" City of Tecumseh as recorded in Liber 14, pages 15 through 17 in the Office of the Register of Deeds for Lenawee County, Michigan and being further described as: Beginning at the Southwest Corner of said Lot 24; thence North 00 degrees 21 minutes 54 seconds East, 959.73 feet (recorded as North 00 degrees 17 minutes East) along the West line of said Lot 24; thence North 89 degrees 21 minutes 43 seconds West, 25.00 feet; thence North 00 degrees 21 minutes 17 seconds East, 745.43 feet (recorded as North 00 degrees 17 minutes East) along the West line of said Lot 24 and its extension Southerly, to the Northwest Corner of said Lot 24; thence South 89 degrees 33 minutes 12 seconds East, 385.12 feet (recorded as South 89 degrees 37 minutes East, 384.8 feet) along the South line of Patterson Street; thence South 00 degrees 01 minutes 27 seconds East, 8.40 feet (recorded as South 00 degrees 02 minutes West, 8.4 feet) along said South line; thence North 89 degrees 40 minutes 52 seconds East, 896.23 feet (recorded as South 89 degrees 46 minutes East, 897.18 feet) along said South line to the Northeast Corner of said Lot 24; thence South 00 degrees 19 minutes 41 seconds West, 1526.83 feet (recorded as South 00 degrees 18 minutes West) along the West line of Maumee Street to the South line of said Lot 24; thence North 89 degrees 28 minutes 33 seconds West, 598.80 feet (recorded as North 89 degrees 34 minutes West) along said South line to the Northwest Corner of Lot 26 of said "Assessor's Plat No. 6" City of Tecumseh; thence South 00 degrees 42 minutes 29 seconds West, 178.06 (recorded as South 00 degrees 21 minutes West) along the West line of said Lot 24 to the Northeast Corner of Lot 25 of said "Assessor's Plat No. 6" City of Tecumseh; thence North 89 degrees 05 minutes 50 seconds West, 657.42 feet (recorded as North 89 degrees 05 minutes West, 657.3 feet) along the South line of said Lot 24 to the point of beginning.

All bearings are derived from the bearing of the South line of Lot 24 of "Assessors Plat No. 6" City of Tecumseh as bearing North 89 degrees 04 minutes 00 seconds West as shown on the recorded plat, and KEBS, Inc. drawing of Job No. 05-B-76298.

All of the above described land also being described as follows:

Parcel "A"

Part of Lot 24 of Assessor's Plat No. 6 City of Tecumseh being part of the Southwest ¼ of Section 34, Town 5 South, Range 4 East, City of Tecumseh, Lenawee County, Michigan described as beginning at the Southwest corner of Lot 24 of "Assessor's Plat No. 6"; thence N 00 deg. 17' 00" E along the West line of said Lot 24 a distance of 959.53 feet (recorded as N 00 deg. 17' E 959.73 feet); thence N 89 deg. 03' 58" W a distance of 24.84 feet (recorded as N 89 deg. 21' 43" W 25 feet); thence N 00 deg. 15' 47" E a distance of 744.78 feet (recorded as N 00 deg. 17' E 745.43 feet) to a chiseled "X" at the South Right of Way line of Patterson Street; thence S 89 deg. 45' 16" E along the

South Right of Way line of Patterson Street a distance of 385.13 feet (recorded as S 89 deg. 37' E 384.8 feet) to a found nail; thence S 00 deg. 10' 05" E a distance of 8.38 feet (recorded as S 00 deg. 01' 27" E 8.4 feet) to a chiseled "X"; thence S 89 deg. 34' 16" E along the South Right of Way line of Patterson Street a distance of 896.18 feet (recorded as S 89 deg. 46' E 897.18 feet); thence S 00 deg. 14' 44" W a distance of 1,524.10 feet (recorded as S 00 deg. 18' W 1526.83 feet); thence N 89 deg. 33' 09" W a distance of 598.85 feet (recorded as N 89 deg. 34' W 598.80 feet); thence S 00 deg. 36' 36" W a distance of 178.08 feet (recorded as S 00 deg. 21' W 177.7 feet); thence N 89 deg. 10' 17" W a distance of 657.45 feet (recorded N 89 deg. 05' W 657.3 feet) to the Point of Beginning.

Contains 2,052,326 square feet or 47.114 acres. Subject to any easements, restrictions, and Rights of Way of record if any.

100 E. Patterson St., Tecumseh, MI 49286
Tax I.D. No.: 325-0241 -00 (as to Parcels I & 2)

Parcel 2

Situated in the City (formerly Township) of Tecumseh, County of Lenawee, Michigan, to wit:

All that part of the Southwest Quarter (1/4) of Section Thirty-four (34) in Town Five (5) South, Range Four (4) East, described as commencing in the center of highway at a point located Fifty-seven and five tenths (57.5) feet South Eighty-eight (88) degrees Forty-five (45) minutes East from the Southwest corner of said Section Thirty-four (34) and running thence North No (0) degrees Forty-one (41) minutes East and along the East line of land now, or formerly, owned by the New York Central Railroad Company Eight hundred forty and six tenths (840.6) feet, thence South Eighty-eight (88) degrees Forty-five (45) minutes East Six hundred fifty-seven and four tenths (657.4) feet, thence South No (0) degrees Forty-five (45) minutes West Eight hundred forty and six tenths (840.6) feet to the center of highway, thence North Eighty-eight (88) degrees Forty-five (45) minutes West Six hundred fifty-six and eight tenths (656.8) feet to the place of beginning, except the northerly One hundred seventy-seven and seven tenths (177.7) feet thereof as described in Liber 398 at Folio 146, containing Ten (10) acres of land more or less.

SAVE AND EXCEPT:

Situated in the City of Tecumseh, County of Lenawee, Michigan:

All that part of the Southwest ¼ of Section 34, Town 5 South, Range 4 East, (also being part of Lot 25, Assessor's Plat No. 6, City of Tecumseh, as recorded in Liber 14 of Plats on Page 15, 16 and 17, Lenawee County Records) described as beginning 464.03 feet S 89 deg. 04' 00" E (along the south line of said Section 34) and 283.00 feet N 00 deg. 21' 00" E from the Southwest corner of Section 34 aforesaid; thence N 00 deg. 21' 00" E 176.00 feet; thence S 89 deg. 04' 00" E 250.00 feet; thence S 00 deg. 21' 00" W 176.00 feet along the east line of said Lot 25; thence N 89 deg. 04' 00" W 250.00 feet to the place of beginning. Containing 1.01 acres.

SAVE AND EXCEPT:

Situated in the City of Tecumseh, County of Lenawee, Michigan:

All that part of the Southwest $\frac{1}{4}$ of Section 34, Town 5 South, Range 4 East, (also being part of Lot 25, Assessor's Plat No. 6, City of Tecumseh, as recorded in Liber 14 of Plats, Pages 15, 16 and 17, Lenawee County Records), described as beginning at the Southwest corner of Lot 25, aforesaid, 57.36 feet (recorded as 57.3 feet) South 89 deg. 04' 00" East (along the South line of said Section 34) and 33.00 feet North 00 deg. 17' 00" East from the Southwest corner of said Section 34; thence North 00 deg. 17' 00" East 426.00 feet along the West line of said Lot 25; thence South 89 deg. 04' 00" East 326.97 feet; thence South 00 deg. 17' 00" West 176.00 feet; thence North 89 deg. 04' 00" West 120.00 feet; thence South 00 deg. 21' 00" West 250.00 feet to the South line of said Lot 25; thence North 89 deg. 04' 00" West 206.68 feet to the point of beginning.

SAVE AND EXCEPT:

Situated in the City of Tecumseh County of Lenawee, Michigan, to-wit:

All that part of the Southwest $\frac{1}{4}$ of Section 34, Town 5 South, Range 4 East, (Also being part of Lot 25, Assessor's Plat No. 6, City of Tecumseh, as recorded in Liber 14 of Plats on Pages 15, 16 and 17, Lenawee County Records), described as beginning on the south line of Lot 25 aforesaid 464.03 feet S 89 deg. 04' 00" E (along the south line of said Section 34) and 33.00 feet N 00 deg. 21' 00" E from the Southwest corner of Section 34 aforesaid; thence N 00 deg. 21' 00" E 250.00 feet; thence S 89 deg. 04' 00" 250.00 feet to the east line of said Lot 25; thence S 00 deg. 21' 00" W 250.00 feet to the southeast corner of said Lot 25; thence N 89 deg. 04' 00" W 250.00 feet to the place of beginning containing 1.435 acres.

Subject to easements and restrictions of record.

The bearings are referenced to the Assessor's Plat No. 6, as recorded in Liber 14 of Plats, Pages 15, 16 and 17, Lenawee County Records.

SAVE AND EXCEPT:

Situated in the City of Tecumseh, County of Lenawee, Michigan, to-wit:

All that part of the Southwest $\frac{1}{4}$ of Section 34, Town 5 South, Range 4 East, (Also being part of Lot 25, Assessor's Plat No. 6, City of Tecumseh, as recorded in Liber 14 of Plats on Pages 15, 16 and 17, Lenawee County Records), described as beginning on the south line of Lot 25 aforesaid 264.03 feet S 89 deg. 04' 00" E (along the south line of said Section 34) and 33.00 feet N 00 deg. E from the Southwest corner of Section 34 aforesaid; thence N 00 deg. 21' 00" E 250.00 feet; thence S 89 deg. 04' 00" 200.00 feet; thence S 00 deg. 21' 00" W 250.00 feet to the south line of said Lot 25; thence N 89 deg. 04' 00" W 200.00 feet to the place of beginning containing 1.148 acres.

The bearings are referenced to the Assessor's Plat No. 6, as recorded in Liber 14 of Plats, Pages 15, 16 and 17, Lenawee County Records,

805 S. Evans St., Tecumseh, MI 49286
Tax I.D. No.: 325-0250-00 (as to Parcel 3) Vacant Land